

REMARKS

This communication is in response to the final office action mailed on November 12, 2009 rejecting claims 7-8, 10, and 14-22.

With this response, claim 23 is newly presented and claim 7 is amended.

Rejections under 35 U.S.C. § 103

Claims 7, 10, 15, and 17-19 were rejected under 35 U.S.C. § 103 as unpatentable over Leisner et al., US publication number 2003/ 0093042 ("Leisner").

Leisner discloses at paragraphs 25-26 an ostomy carrier device including a bag 10, a carrier device 20 and a flange 30 for fastening the bag 10 of a patient. Leisner discloses at paragraph 31 that an innermost part 105 of the inner portion in the vicinity of the inner edge is formed to have **a reduced thickness, and this allows "a good transfer of heat in a heat welding process"** to ensure a narrow bond 205 with reduced risk of heat damage to the flange were the base plate. Emphasis added. Heat welding of the flange 30 is expected to affect both the inner surface and the outer surface of the flange 30 since the heat will be transferred entirely through the entire thickness of the innermost part 105, likely melting both the inner surface in the outer surface of the flange 30.

In contrast, independent claim 7 has been amended to require a first part having a first surface adapted to be attached to or fixed to a body part of the person and a second, opposite surface; a second part having a first surface adapted to be attached to the ostomy bag and a second, opposite surface; where one or more welds are formed at one or more welding zones between the second surfaces of the first part and the second part such that the second surfaces melt and the first surfaces do not melt.

Support for the language of amended independent claim 7 is located in the application as filed at least at page 3, lines 3-9 and in Figure 5.

Leisner, alone or in combination with the other cited references, fails to teach or suggest limitations of amended independent claim 7. In fact, it is believed that Leisner teaches away from the language of amended independent claim 7.

Thus, amended independent claim 7 is believed to recite patentable subject matter. Claims 10, 15, and 17-19 further define patently distinct amended independent claim 7. It is respectfully requested that the rejections to claims seven, 10, 15, 17-19 be withdrawn.

Claims 8 and 20 were rejected under 35 U.S.C. § 103 as unpatentable over Leisner in view of Bager and further in view of Jones. Bager is cited as providing a technique for ensuring that surfaces are brought together properly in contact with each other to obtain good welds. Jones is cited as disclosing welds that melt plastic up to a depth of 0.2 mm. It is believed that the purported combination is improper under the theory that Leisner teaches away from combination with Jones. Leisner discloses components that have **a reduced thickness to ensure a good transfer of heat in a heat welding process**, and Jones discloses welding in a manner having a weld depth that could be expected to melt through the "reduced thickness" components of Leisner. Thus, it is respectfully requested that the rejections to claims 8 and 20 be withdrawn.

Claims 14, 16, 21, and 22 were rejected under 35 U.S.C. § 103 as unpatentable over Leisner in view of Bager. Claims 14, 16, 21, and 22 further define what is believed to be patently distinct amended independent claim 7. Bager fails to cure the deficiencies of Leisner in establishing a *prima facie* case of obviousness over amended independent claim 7. Thus, it is respectfully requested that the rejections to claims 14, 16, 21, and 20 to be withdrawn.

Double Patenting Rejections

Claims 7 and 16 were rejected on the ground of nonstatutory obviousness-type double patenting as unpatentable over claim 13 of US patent number 7,244,482. With this response, a Terminal Disclaimer to obviate a double patenting rejection over a prior patent is submitted.

Claim 7 and 16 were provisionally rejected on the ground is nonstatutory obviousness-type double patenting as unpatentable over claim 34 of co-pending application number 11/ 578,366 and as unpatentable over claim 36 co-pending application number 11/ 826,266. With this response, a Terminal Disclaimer to obviate a provisional double patenting rejection over these pending reference applications is submitted.

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New Claim

Claim 23 is newly presented to claim patentable subject matter of this application related to a weld zone formed between the second surfaces of the first part and the second part such that the second surfaces melt and the first surfaces do not melt to allow the first surface of the second part to be substantially smooth at the weld zone so that said first surface of said second part is configured for improved adhesive attachment to the ostomy bag.

CONCLUSION

Applicant respectfully asserts that the pending claims are in condition for allowance and notice of the same is respectfully requested.

The Examiner is respectfully urged to telephone the undersigned if issues remain outstanding. No additional fees are believed due at this time. However, the office is authorized to charge any fees actually due and credit any overpayment to deposit account 50-4439.

Respectfully submitted,

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